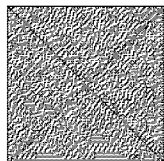


To: Dan Halden[Daniel.Halden@lacity.org]
From: Strefan Fauble
Sent: Wed 4/10/2019 10:34:38 PM
Subject: Re: Attorney client privilege Fwd: CPRA request (CD13.2019.03.29.a)

Yes. (I was meeting with Mr. Urban Forestry and couldn't pick up.)

On Wed, Apr 10, 2019 at 3:20 PM Dan Halden <Daniel.Halden@lacity.org> wrote:

Just tried your office line. Can you chat?



Dan Halden
Director, *HEART of Hollywood*
Office of Councilmember Mitch O'Farrell, 13th District
(213) 473-2187 | daniel.halden@lacity.org | www.cd13.com

HEART of Hollywood | *Schrader Bridge Housing* | *CD13 Year in Review*
Find the Councilmember on: 

On Wed, Apr 10, 2019 at 1:38 PM Strefan Fauble <strefan.fauble@lacity.org> wrote:

No, you don't need to reply. -- Also, I have an important and cautionary story to tell you about Adrian, when you have 5 minutes to talk.

On Wed, Apr 10, 2019 at 12:44 PM Daniel Halden <daniel.halden@lacity.org> wrote:

Hi Strefan, please see below. I don't believe we are obligated to respond; however, if a response is necessary, please advise on the appropriate language. Thank you!

Dan Halden
Director, HEART of Hollywood
Councilmember Mitch O'Farrell
City of Los Angeles, 13th District
www.cd13.com

Sent from my iPhone

Begin forwarded message:

From: adrian@123mail.org
Date: April 10, 2019 at 11:15:05 AM PDT
To: "Dan Halden" <Daniel.Halden@lacity.org>
Cc: "Jeanne Min" <jeanne.min@lacity.org>
Subject: Re: CPRA request (CD13.2019.03.29.a)

Hi Dan,

Although I disagree with CD13's positions here, I'm not willing to pursue 1 and 2. However, CD13's claim that producing the appointment calendars would require an "extraordinary amount of time and labor-intensive resources" is fairly hard to believe.

First, you state that my request is "overly broad." Overbreadth is not defined in the CPRA, so I'm assuming that CD13 is just expressing an opinion here rather than claiming an exemption.

Second, I have gotten copies of these from other CDs, and fairly quickly at that, like in 8 days. Now, I realize that CD13 is a fiefdom of its own, not bound by precedent or rule, but nevertheless, if one CD can produce all staff calendars in a mere 8 days, it can't really be that hard to get them out of the computer and into a PDF.

Potentially, I guess, it might take a lot of work to redact the calendars but you didn't mention any exemptions other section 6255(a), so I guess that's not an issue. Furthermore, I've already seen a bunch of CD13 calendars, and none of them have ever been redacted. I can't imagine what could possibly be on a calendar that would require redaction.

Third, you ask that I provide a "more focused and targeted request." Now, I realize, based on the fact that you always use that same phrase, that you're copying and pasting it, and thus it can't always be expected to make sense, but in this context it makes absolutely no sense at all.

This request is perfectly focused in that it precisely describes uniquely identifiable records. That's what the word "focused" means in the context of the CPRA. If CD13 will continue to maintain that my request is not focused, please explain how it is not. And I don't know what you mean by "targeted" here. In English the word "targeted" means "aimed at something." The request is targeted in the pretty ordinary sense of being aimed at getting these calendars.

Finally, you, or the DCA staffing this matter, are, as always, neglecting the essential point that section 6255(a) is not a per se exemption like e.g. attorney client privilege. There's no authority in the CPRA that allows the City to say that filling a request is too much work so they won't do it. Instead the City has to say that filling a request is so much work that it's not worth the City's time and money to fill it given that the public interest in seeing the records is less than the public interest in not expending City resources on producing the records.

That being said, I don't think it's possible that CD13 has done a realistic analysis of the public interest in seeing everyone's calendars. Right now you have one of your boss's colleagues under investigation by the FBI for matters that involve his meetings with various people, which would be reflected in his calendars. He is being sued by former employees who allege, in part, that they were required to alter his calendars to cover up his meetings with various people, and so on.

These matters have been the subject of continuing and widespread news coverage. They are of the highest public interest and appointment calendars are, therefore, of the highest public interest as well. Your boss himself has been the subject of investigations by various individuals and groups, of protests concerning his relations with lobbyists and developers, of news coverage, and so on. In fact, I sat in your boss's waiting room the other day and heard Morrie Goldman, a person of interest in an FBI investigation, laughing it up in the conference room with your boss's staff. How many more such episodes might be revealed by these calendars? The public interest in these matters with respect to your boss is also unsurpassed.

And not only that, but the question of banning CMs and other officials from accepting contributions from developers is before the Council right now. Various City officials, e.g. Serena Oberstein when she was president of the CEC, have suggested that there is no evidence that developer money affects Council decisions at all. This very question has been widely debated in the press, on social media, in the few bars left to us after your boss's campaigns against them, and so on. It's pretty clear that looking at appointment calendars and collating them with various votes and decisions is a way to understand which side of this argument, in which the public is intensely interested, is more plausible.

These are only some of the reasons why (a) my request is sufficiently focused and sufficiently targeted and (b) any possible claim that these calendars are exempt based on 6255(a) will fail. Please reconsider your ill-taken refusal to provide these records.

Thanks!

Adrian

On Mon, Apr 8, 2019, at 1:53 PM, Dan Halden wrote:

Hi Adrian,

Here are our responses in ***bold*** to your CPRA request from March 29, 2019 - CD13.2019.03.29.a:

1. Emails in the possession of ***any*** CD13 staffer or MOF himself that contain the word "encampment" from January 1, 2018 through March 29, 2019.

This request is overly broad. The term "encampment" appears very frequently in all sorts of situations. Per Government Code Section 6255, the public interest is outweighed by the extraordinary amount of time and labor-intensive resources it would take to locate the voluminous responsive records. The City is unable to comply with this request in its current form. Please provide a more focused and targeted request.

2. Emails in the possession of ***any*** CD13 staffer or MOF himself from the same date range that are to/from/cc/bcc any of the following folks:

HWD 26906 PESQUEIRA DANIEL

HWD 30500 RAMIREZ BRENDA

HWD 30735 SANCHEZ RALPH

HWD 30987 CORONA CESAR

HWD 32285 JORDAN PAUL

HWD 37352 EUBANK ANNABELLE

HWD 38074 WHITE BRIAN

HWD 38136 GUERRA EDWIN

HWD 39467 THOMPSON BENJAMIN

Exclusive, that is, of those between you and Officer Guerra from 2018 through February 2019, which are already the subject of an earlier request.

An initial search related to this request yielded well over 1000 documents held by just one custodian, notwithstanding the previous similar request involving communications with Officer Guerra. Per Government Code Section 6255, the public interest is outweighed by the extraordinary amount of time and labor-intensive resources it would take to respond, especially given the many redactions that would be required. The City is unable to comply with this request in its current form. Please provide a more focused and targeted request.

3. Appointment calendars for everyone at CD13 including MOF from July 1, 2013 through March 29, 2019 printed in weekly format in such away that the full text of each entry is visible. If you're going to print these on paper, which I do not agree is legal under the CPRA, please use alegible ink color. The yellow ink that CD13 has used in the past is not readable, which is why this request isn't actually duplicative, if you were wondering.

This request is overly broad and, per Government Code Section 6255, the public interest is outweighed by the extraordinary amount of time and labor-intensive resources it would take to respond. The City is unable to comply with this request in its current form which is exempt from production under Government Code 6255. Please provide a more focused and targeted request.

Thank you,

<<http://s.wisestamp.com/links?url=http%3A%2F%2Fwww.cd13.com&sn=d2lsbGlhbS5heWFsYUBsYWNpdHkub3Jn>>

Dan Halden

*** *Director, *HEART of Hollywood***

Office of Councilmember Mitch O'Farrell, 13th District

(213) 473-2187 | daniel.halden@lacity.org | www.cd13.com

HEART of Hollywood

<<https://cd13.lacity.org/news/councilmember-ofarrell-launches-heart-hollywood-initiative>>* |
***Schrader Bridge Housing** <<https://www.youtube.com/watch?v=6wrf9tx6K3c>>* | ***CD13**
Year in Review <https://issuu.com/lacitycd13/docs/web_cd13_highlights_2018_1>

***Find the Councilmember on: *Facebook**

<<https://www.facebook.com/CouncilmemberMitchOFarrell>> **Twitter**

<<http://s.wisestamp.com/links?url=https%3A%2F%2Ftwitter.com%2FMitchOFarrell&sn=d2lsbGlhbS5heWFsYUBsYWNpdHkub3Jn>> **Instagram**

<<http://s.wisestamp.com/links?url=http%3A%2F%2Fwww.instagram.com%2Fmitchofarrell&sn=d2lsbGlhbS5heWFsYUBsYWNpdHkub3Jn>> **YouTube**

<http://www.youtube.com/channel/UCsQz6CIUd6xzGXf18_t6pvQ>

On Fri, Mar 29, 2019 at 7:23 AM <adrian@123mail.org> wrote:

Good morning, Dan.

I would like to see the following materials:

1. Emails in the possession of ***any*** CD13 staffer or MOF himself that contain the word "encampment" from January 1, 2018 through March 29, 2019.
2. Emails in the possession of ***any*** CD13 staffer or MOF himself from the same date range that are to/from/cc/bcc any of the following folks:

HWD 26906 PESQUEIRA DANIEL

HWD 30500 RAMIREZ BRENDA

HWD 30735 SANCHEZ RALPH

HWD 30987 CORONA CESAR

HWD 32285 JORDAN PAUL

HWD 37352 EUBANK ANNABELLE

HWD 38074 WHITE BRIAN

HWD 38136 GUERRA EDWIN

HWD 39467 THOMPSON BENJAMIN

Exclusive, that is, of those between you and Officer Guerra from 2018 through February 2019, which are already the subject of an earlier request.

3. Appointment calendars for everyone at CD13 including MOF from July 1, 2013 through March 29, 2019 printed in weekly format in such a way that the full text of each entry is visible. If you're going to print these on paper, which I do not agree is legal under the CPRA, please use a legible ink color. The yellow ink that CD13 has used in the past is not readable, which is why this request isn't actually duplicative, if you were wondering.

Thanks, Dan.

Adrian

--

Strefan Fauble
Deputy City Attorney III

*****Confidentiality Notice*****

This electronic message transmission contains information

from the Office of the Los Angeles City Attorney, which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner.

--

Strefan Fauble
Deputy City Attorney III

*****Confidentiality Notice*****